

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ANTONIO TASTE,)
)
Petitioner,)
)
v.) 1:12CV731
)
) 1:07CR280-1
)
UNITED STATES OF AMERICA,)
)
)
Respondent.)

ORDER

On March 19, 2014, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 51 and 52.) Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. As the Magistrate Judge properly notes, the impact of any other convictions, including any Massachusetts convictions, will be determined at resentencing.

(See Recommendation (Doc. 51) at 3 n.3.) The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence (Doc. 27) is **GRANTED** as to

Petitioner's Simmons claim, that the Judgment (Doc. 18) is **VACATED**, and that this matter shall be set for resentencing.

Petitioner remains in custody, and the United States Attorney is directed to produce Petitioner for the resentencing hearing.

The Probation Office is directed to prepare a Supplement to the Presentence Investigation Report in advance of the hearing.

Counsel will be appointed to represent Petitioner at the resentencing hearing. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 3rd day of June, 2014.



United States District Judge